



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

FEB - 6 1989

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

196907



Re: Request for Information Under 42 U.S.C. §9601 et seq.,
and 42 U.S.C. §6901 et seq., Pohatcong Valley Site,
Franklin Township, Washington Boro, Washington Township,
and Hackettstown, Warren County, New Jersey.

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is authorized to respond to the release or threatened release of hazardous substances into the environment and to enforce the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. §9601 et seq. In addition, EPA regulates the handling of hazardous waste under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6901 et seq.

Pursuant to Sections 104(b) and 104(e) of CERCLA, and Section 3007(a) of RCRA, EPA may request information from parties who handle or have handled hazardous substances and hazardous waste, as those terms are defined in Section 101 (14) of CERCLA, and Section 1004 of RCRA, respectively. Section 104(6) of CERCLA permits EPA to conduct such legal and other investigations as it may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of CERCLA. Section 104(e)(2)(A) of CERCLA enables EPA to require any person, as defined in Section 101(21) of CERCLA, to furnish information or documents relating to "[t]he identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility.

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EPA had documented the release of hazardous substances in the Townships of Washington, Hackettstown, Franklin and the Borough of Washington (herein after known as "the Pohatcong Valley"), Warren County, New Jersey. To ascertain the nature of the materials you may have generated, treated, stored, transported and/or disposed of, EPA requests that you answer fully the questions in the attached "Request for Information."

This "Request for Information" is part of a continuing investigation into the nature of the waste materials disposed of in the Pohatcong Valley. To expedite the information gathering process, EPA requests that you respond in detail to all questions in the following Attachment and that you furnish the supporting documents. If you have an EPA Identification Number, kindly state it in your response.

The response to this "Request for Information" should be postmarked or received at EPA within thirty (30) calendar days of your receipt of this letter, and should be mailed to Preston M. Canzius, New Jersey Compliance Branch, U.S. Environmental Protection Agency, Region II, Room 747, 26 Federal Plaza, New York, N.Y. 10278, with a copy to Robin Moses, Office of Regional Counsel, Room 312, at the same address.

Failure to respond to the "Request for Information" within the time specified above may subject you to an enforcement action under Section 3008 of RCRA and Section 104(e)(5) of CERCLA. An enforcement action may include the assessment of penalties of up to \$25,000.00 for each day of continued noncompliance. The notarized signature of an officer or other responsible official of the responding party must appear on the enclosed "Certification of Answers to Request for Information," which should be attached to the response to this information request.

If at any time in the future, you have additional information and/or find that any aspect of the submitted information is false, misleading, or misrepresents the truth, you must notify the EPA. Failure to amend the response may be construed as a concealment. If any part of the response is found to be knowingly untrue, the signatory and the responding entity may be subject to criminal prosecution.

The "Request for Information" is not subject to the approval requirements of the Paperwork Reduction Act of 1980, the relevant portion of which is found at 44 U.S.C. §3501.

If desired, a business confidentiality claim covering all or part of the information requested may be asserted. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, as amended, and may be asserted at the time of submission, by placing on (or attaching to) the information, a cover sheet, stamped or typed legend, or other

suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40, Code of Federal Regulations, Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice.

If you have any questions about this letter, you may call Preston M. Canzius at (212) 264-6315 or Robin Moses at (212) 264-3299. Your cooperation is appreciated.

Sincerely yours,

Kathleen C. Callahan

for Stephen D. Luftig, Director
Emergency and Remedial Response Division

Attachment

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A separate response should be given for each question.
2. Precede each answer with the number of the question to which it is addressed.
3. In answering each question, identify all contributing sources of information.
4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your Company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of your parent corporation, affiliates, subsidiaries, divisions, agents and consultants should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.
8. For each of the following questions, kindly send copies of all documents that relate to the question. For your information "documents" shall include, but not be limited to, the following: "papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex messages, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts, minutes, reports, and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules,

journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, gas chromatograms, mass spectra, data processing input and invoices, checks, notes, diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material.

9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
10. For each document produced in response to the "Request for Information," indicate on the document, or in some other reasonable manner, the question to which it applies.
11. If anything is omitted from a document produced in response to the "Request for Information," state the reason for and the subject matter of the omission.
12. As used herein, the term "hazardous substance," "release," "facility," and "Person" shall have the meaning set forth in Section 101(9), (14), (21) and (22) of CERCLA, 42 U.S.C. §9601(9), (14), (21), and (22), respectively.
13. As used herein, the term "hazardous waste" shall have the meaning set forth in Section 1004(5) of RCRA, 42 U.S.C. 6903(5).
14. The terms "CERCLA waste material" or "industrial waste material" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. §6904;
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it ignites or explodes;
 - g. it is an industrial intermediate waste product;

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- h. it is an industrial treatment plant sludge or supernatant;
- i. it is an industrial byproduct having some market value;
- j. it is coolant water or blowdown waste from a coolant system;
- k. it is a spent product which could be reused after rehabilitation; or
- l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

REQUEST FOR INFORMATION

1.
 - a. State the correct legal name of your company.
 - b. State the name(s) and address(es) of the President and/or Chairman of the Board, or other presiding officers of your company.
 - c. Identify the state of incorporation of your company and company's agents for service of process in the state of incorporation and in New Jersey.
 - d. Provide a copy of your company's "Certificate of Incorporation" and any amendments thereto.
 - e. If your company is a subsidiary or affiliate of another corporation, identify these related companies.
 - f. Identify the state of incorporation and agents for service of process in the state of incorporation and New Jersey for each company identified in Question 1e.
2. In identifying a company that no longer exists, provide all the information called for in Question 1, except for the agent for service of process. If your company did business under more than one name, each name should be designated.
3. Does your company have a permit or permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. If your company has an EPA Identification Number, state it in your answer to this question.
4. Have you currently or in the past owned, operated, leased, or maintained real property in the Pohatcong Valley, Warren County, New Jersey. Provide all relevant documentation, including leases, deeds, or other materials which relate to such premises.
5. Provide the exact lot and block numbers of all of your company's past and present operations in the Pohatcong Valley, Warren County, New Jersey. Provide the dates of each of your company's operations at the above referenced lot and block numbers.
6. Provide a description of all past and present operations of your company in the Pohatcong Valley. Your description should include, but not to be limited to, all manufacturing, research and development, processing and/or handling activities. For each type of operation described in the answer to this question, provide the name(s), and job description(s) of the person or persons responsible for the management of that particular operations. If such person(s)

are no longer employed by the company, provide their last known address(es).

7. Provide a list of all hazardous substances, hazardous wastes and/or "CERCLA waste material" including, but not limited to, mixtures, solvents, and degreasers which were generated, purchased, used and/or handled in any manner by your company. This list should include a specific chemical description and the amount of all specified materials generated, purchased, used and/or handled by your company on an annual basis from the commencement of operations to the present.
8. Does your company currently or has it in the past generated, purchased, used and/or handled in any manner trichloroethylene ("TCE") and/or tetrachloroethylene in its operations within the Pohatcong Valley.

If the answer to the preceding question is yes, answer the following questions:

- a. During what years did your company generate, purchase, use and/or handle TCE and/or tetrachloroethylene?
 - b. For what purpose was TCE and/or tetrachloroethylene generated, purchased, used and/or handled by your company?
 - c. What was the volume of TCE and/or tetrachloroethylene generated, purchased, used and/or handled by your company on an annual basis?
9. Describe all storage and disposal practices employed by your company with respect to all hazardous substances, hazardous wastes and/or "CERCLA waste material" including, but not limited to, mixtures, solvents and degreasers handled in any way in your company's operations in the Pohatcong Valley from the time operations commenced until the present. Include all on-site and off-site storage and disposal activities.
 10. Provide a copy of each document which relates to the generation, purchase, use, handling, hauling, and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" identified in response to questions 7, 8 and 9 above. If you are unable to provide a copy of any document, then identify the document by describing the nature of the document (e.g. letter, file memo, invoice, inventory form, billing record, hazardous waste manifest, etc.). Describe the relevant information contained therein. Identify by name and job title the person who prepared the document. If the document

is not readily available, state where it is stored, maintained, or why it is unavailable.

11. Provide the date of any leaks or spills of any hazardous substances, hazardous wastes and/or "CERCLA waste material" at your company. Provide details of the ultimate disposal of contaminated materials.
12. Identify each person (including company, individual, partnership, etc.) having knowledge of the facts relating to the generation and/or disposal of hazardous substances, hazardous wastes and/or CERCLA waste material" identified in response to questions 7, 8 and 9 above. For each person identified, provide the name, address and telephone number of that person and the basis of your belief that he or she has such knowledge.
13. Submit a copy of any lease, contract, permit or other written agreement relating to the generation, handling, transport and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" at your company's facility in the Pohatcong Valley, New Jersey. If the documents are unavailable, refer to Question 10, above, for the specific information required.
14. State whether there exists any agreements or contracts (other than an insurance policy) which may indemnify your company, present owners of shares in the company or past owners of shares in the company, for any liability that may result under CERCLA for any release or threatened release of a hazardous substance at the Site. If such agreements or contracts exist, please provide a copy of the agreement or contract. Identify any agreement or contract that you are unable to locate or obtain. If the documents are unavailable, refer to question 10, above, for the specific information required.
15. State whether an insurance policy has ever been in effect which may indemnify your company against any liability which your company may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the Site. If so, please provide a copy of the policy. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.
16. Please supply any additional information which may help EPA to identify sources who disposed of hazardous substances, hazardous wastes and/or "CERCLA waste material" at the Site.

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17. State the name(s), address(es), telephone number(s), title(s) and occupation(s) of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the answers. In addition, identify each person who assisted in any manner in responding to the "Request for Information" and specify the question for which each person provided assistance in responding.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

day of _____, 1989

Notary Public


1000989

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery

↑(Extra charge)↑ ↑(Extra charge)↑

<p>Article Addressed to:</p> <p>TOM DE LORENZO HIGH POINT SLF HIGH POINT SANITATION COMPANY 20 STAR PLAZA EAST WASHINGTON, NEW JERSEY 07882</p>	<p>4. Article Number P651623321</p> <p>Type of Service:</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Registered</td> <td><input type="checkbox"/> Insured</td> </tr> <tr> <td><input type="checkbox"/> Certified</td> <td><input type="checkbox"/> COD</td> </tr> <tr> <td><input type="checkbox"/> Express Mail</td> <td></td> </tr> </table> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>	<input type="checkbox"/> Registered	<input type="checkbox"/> Insured	<input type="checkbox"/> Certified	<input type="checkbox"/> COD	<input type="checkbox"/> Express Mail	
<input type="checkbox"/> Registered	<input type="checkbox"/> Insured						
<input type="checkbox"/> Certified	<input type="checkbox"/> COD						
<input type="checkbox"/> Express Mail							
<p>5. Signature — Addressee X</p> <p>6. Signature — Agent X <i>[Signature]</i></p> <p>7. Date of Delivery</p>	<p>8. Addressee's Address (ONLY if requested and for paid)</p> <div style="text-align: center;">  </div>						

PS Form 3811, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

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